

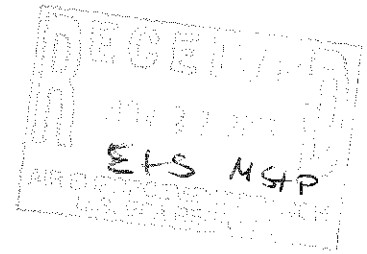


Brittany A. Barrientos
816.691.2358 **DIRECT**
816.412.1015 **DIRECT FAX**
Brittany.barrientos@stinson.com

November 16, 2016

VIA FEDERAL EXPRESS

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance
Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604



Re: MGPI of Indiana, LLC ("MGP")
Response to EPA Section 114 Request dated August 26, 2016

Dear Sir or Madam:

This Firm represents MGPI of Indiana, LLC ("MGP") with respect to EPA Region 5 on the Clean Air Act Section 114 Information Request dated August 26, 2016, received by MGP on September 2, 2016 ("Information Request"). Via letter to Marie St. Peter dated October 11, 2016, MGP requested an extension of time to respond to the Information Request. Ms. St. Peter granted this request via e-mail on October 14, 2016. Pursuant to that extension, MGP is providing a rolling production. This letter transmits MGP's initial response, including responses to Request Numbers 1, 2, 13, 15 and 16. MGP will submit another submission by December 16, 2016.

MGP considers all documents produced pursuant to this response and any future responses and stamped "Confidential Business Information" to be confidential business information or trade secrets (collectively referred to as "CBI") and, therefore, protected from release to third parties pursuant to 5 U.S.C. § 552(b)(4) and 40 C.F.R. Part 2. In addition, some of the documents provided may contain CBI of third parties that MGP is obligated to protect and maintain. MGP is concerned with protecting its CBI and requests that EPA provide MGP with sufficient notice prior to releasing any of this information to any third party so that MGP can timely avail itself of all federal and state laws that protect the Company's CBI.

General Objections

Although MGP is making diligent efforts to comply with the Information Request, in order to preserve the Company's rights, MGP hereby objects to the Information Request for the reasons set forth below (the "General Objections"). The General Objections pertain to this response as well as all future or supplemental responses. MGP reserves its rights to file supplemental objections throughout its efforts to respond to the Information Request.

1. MGP objects to each request in the Information Request to the extent it seeks information outside the scope of EPA's authority pursuant to 42 U.S.C. § 7414. Moreover, the purpose

of the Information Request is overbroad and vague; MGP objects that the Information Request is outside the scope of EPA's authority.

2. MGP objects to each request in the Information Request to the extent EPA seeks information not relevant to the purpose stated in the Information Request, 42 U.S.C. § 7414.

3. MGP objects to each request in the Information Request to the extent that, through that Information Request, EPA imposes an undue burden on the Company, 42 U.S.C. § 7414.

4. MGP objects to the Information Request to the extent that EPA requests MGP to divulge information protected by the attorney-client privilege, the work-product doctrine, or other available privilege or protection. The Clean Air Act does not require a party to divulge such information in response to information requests.

5. MGP objects to providing information that it has previously provided to EPA or the State of Indiana, including, by way of example and not by way of limitation, information provided related to permits, permit applications and data transmitted in compliance reports routinely prepared for government use. These requests are duplicative and, therefore, unduly burdensome.

6. MGP objects to any request in the Information Request that is vague, ambiguous or overbroad or too indefinite to be capable of reasonable interpretation.

7. MGP objects to each request in the Information Request to the extent that it calls for the Company to make legal conclusions concerning the Clean Air Act Provisions, including the Indiana State Implementation Plan.

8. MGP objects to each request in the Information Request to the extent it seeks confidential business information.

9. MGP objects to each request in the Information Request to the extent it requires MGP to develop or create information and/or documents that do not otherwise exist or that MGP is not otherwise required to create and/or maintain.

10. MGP objects to each request in the Information Request to the extent it seeks information not kept in the ordinary course of MGP's business or not kept in the form requested by EPA in the ordinary course of MGP's business. Requiring MGP to produce information in a form or manner not kept by the Company is unduly burdensome and beyond the scope of Section 114 of the Clean Air Act.

11. MGP objects to each request in the Information Request to the extent it seeks information from before December 27, 2011, the date MGP acquired the Facility. To that end, MGP is only producing responsive information generated after that date. In addition, to the extent any documents are requested from more than five years prior to the date of the Information Request, such requests seek information that is beyond the scope of regulatory document retention requirements, if any, under Clean Air Act regulations and reach beyond the applicable statute of limitations for violations of the Clean Air Act.

11. MGP objects to each request in the Information Request to the extent it seeks information not in the possession, custody or control of MGP.

Notwithstanding and without waiving these Objections, and subject to them, MGP has prepared this response based upon the information available to it. Where the Information Request is vague, ambiguous, overbroad, unduly burdensome, or beyond the scope of EPA's authority pursuant to Section 114 of the Clean Air Act, MGP is making appropriate and reasonable efforts to provide responsive information based on its interpretation of the Requests. To the extent that information produced herein is not required by law or is outside of the scope that EPA has the authority to request, that information is voluntarily submitted. MGP waives no rights to protection of information that it voluntarily submits.

In accordance with our understanding of your Request, MGP is producing herewith documents that are bates stamped MGP-EPA0000001 thru MGP-EPA0001289. MGP reserves the right to supplement this response as additional responsive information becomes available.

MGP's Specific Responses

- 1. Identify all entities that have owned the Facility since January 1, 2011. Identify the date each ownership change took effect.**

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP states that prior to December 27, 2011, Lawrenceburg Distillers Indiana, LLC owned and operated the facility, which, at that time, consisted of distillery operations and bottling, packaging and finished goods warehousing. MGP acquired the distillery operations, which include barrel aging warehouses, from Lawrenceburg Distillers Indiana, LLC (the Facility for which information is requested in this Request) on or about December 27, 2011. Based on information and belief, Proximo Distillers Indiana, LLC purchased the bottling, packaging and finished goods warehousing operations from Lawrenceburg Distillers Indiana, LLC on or around December 27, 2011. The MGP and Proximo operations, while separate, remained permitted as a single source until IDEM issued each facility separate permits in 2013 and 2014.

- 2. Using a unique identifier for each unit, provide a list that identifies each aging warehouse at the Facility, the aging warehouse's capacity in barrels and gallons, its construction commencement date, the date it was first put into service. Additionally, if an aging warehouse has been modified in such a way that it is able to hold more barrels and/or gallons, provide the date of its modification and its previous capacity.**

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP is producing document bates numbered MGP-EPA0001288 to MGP-EPA0001289. In further response, MGP states based on information and belief that each barrel typically has a maximum capacity of 63.6 proof gallons.

- 13. Provide copies of all air permit applications submitted to Indiana Department of Environmental Management (IDEM) or U.S. EPA and air permits received that relate to any physical changes, modifications, production changes, or increases and/or decreases in VOC emissions at the Facility since January 2011.**

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP is producing documents bates numbered MGP-EPA0000001 to MGP-EPA000126, MGP-EPA00000272 to MGP-EPA0000571, MGP-EPA0000652 to MGP-EPA0001287.

MGP would like to provide context for two of these documents, documents bates numbered MGP-EPA0000652 to MGP-EPA-0000684 (application) and MGP-EPA000001-MGP-EPA0000126 (permit). These permitting documents relate to installation of eight external storage tanks. However, these tanks were not and are not located on MGP's Facility, but rather are owned and operated by Proximo Distillers Indiana, LLC.

15. Provide copies of all excess emissions reports and deviation reports submitted to IDEM from January 1, 2011 to the present.

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP is producing bates numbered documents MGP-EPA0000127 to MGP-EPA0000271, and MGP-EPA0000572 to MGP-EPA0000651.

16. Provide a list of all air enforcement actions related to the Facility taken by U.S. EPA, IDEM or a local regulatory agency from January 1, 2011 to the present. Include copies of any air-related administrative or judicial complaints; any notices of violation or notices of non-compliance; any documents resolving violations, such as consent decrees or consent orders; and any orders, such as administrative orders.

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP states on information and belief that no air enforcement actions related to the Facility have been taken since December 27, 2011.

Sincerely,

Stinson Leonard Street LLP



Brittany A. Barrientos

BAB:lmc

Enclosures

cc: Marie St. Peter, EPA Region 5 (letter only sent via e-mail)
Steve Glaser, MGPI of Indiana, LLC
Munim Hussain, MGPI of Indiana, LLC